

## **REMARKS**

### **Overview of the Office Action**

Claims 1-15 have been rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,188,328 (“Ho”), in view of U.S. Patent No. 5,309,414 (“Chiu”).

### **Status of the claims**

Claims 1-15 remain pending.

### **Rejection of claims 1-15 under 35 U.S.C. § 103(a)**

The Office Action states that the combination of Ho and Chiu teaches all of Applicants’ recited elements. Applicants disagree and submit that Ho and Chiu, whether taken alone or in combination, at the very least fail to teach or suggest “retrieving on the basis of the parking data from the parking fee register of the parking fee system application data that includes at least a tariff and an expiration time of the parking”, and “activating an application utilizing the application data in the mobile station of the user to utilize the tariff to calculate an accrued parking fee and to display on a display of the mobile station during ongoing parking in real time at least a sum of the accrued parking fee to be charged after the parking is concluded and remaining parking time, if the expiration time has been defined”, as recited in Applicants’ independent claim 1.

Applicants’ recited invention provides a mobile station carried by a user (i.e., the owner or operator of a parked car) that receives, from a parking fee register, application data which controls an application in the mobile station to utilize the tariff included in the application data to indicate to the user in real time, during an ongoing parking event, the calculated accrued parking

fee that will be charged to the user when the parking event is concluded. Thus, the user can, at any moment, see the up-to-date parking fee that will later be charged. Thus, the user then has the option of leaving the vehicle parked, or concluding the parking event if the accrued parking fee is deemed to be too great.

Ho discloses a parking meter device that is devoted to a particular parked vehicle and is intended to remain within the parked vehicle. The device includes a housing unit that has an LED which, when in use, is visible from outside the vehicle. The device of Ho further includes a two-way radio circuit, a display, and a keyboard as well as a computer. In operation, a user communicates, using the keyboard of Ho, with a remote central parking service provider via radio data network channels to demand a predetermined parking period. The parking service provider checks the authenticity of the demand and approves the parking request. During lawful, paid for, parking the vehicle-situated LED remains ON so that a patrolling parking attendant can easily monitor and confirm that parking approval for that vehicle has been granted and remains valid. There is no ongoing communication with or reviewability by the owner/operator of the vehicle who has parked the vehicle, unless that person were to remain with the vehicle while it is parked. Neither, even then, would that person be provided with any information as to the dynamically updated parking fee; indeed, such information would be of no use to the person since the parking fee for a preset period has already been prepaid.

Ho simply teaches a parking system in which the driver pre-pays for parking, in advance, with the parking meter for a fixed period of time. The driver leaves the parking meter in the vehicle for viewing access by a parking attendant at the location of the parked vehicle, who can thereby ensure that the parking fee has been paid and that the pre-paid parking time limit has not been exceeded based on the attendant's ability to view the vehicle-contained parking meter which

must remain visible from outside of the vehicle (see col. 3, lines 31-37 of Ho).

The Examiner concedes that Ho fails to teach or suggest that the application data includes a tariff. Consequently, Ho thus fails to teach or suggest the steps of “retrieving on the basis of the parking data from the parking fee register of the parking fee system application data that includes at least a tariff and an expiration time of the parking”, and “activating an application utilizing the application data in the mobile station of the user to utilize the tariff to calculate an accrued parking fee and to display on a display of the mobile station during ongoing parking in real time at least a sum of the accrued parking fee to be charged after the parking is concluded and remaining parking time, if the expiration time has been defined”, as recited in Applicants’ independent claim 1.

Chiu discloses a portable parking meter that includes a main device (10) for counting charges and which is prepared/configured by users themselves. The parking meter of Chiu also includes several kinds of sub-devices (20), such as insertable monetary cards, which can be bought at fee stations. The body of the main device (10) of Chui has two insertion slots for the sub-devices (20) and includes a control panel on the front face of the device. The main device (10) of Chiu includes a CPU (11), which uses a reset loop connected peripherally with a keyboard interface (14), an oscillating loop (15), and a LCD loop (17). The main device (10) of Chiu also includes an internal timing program to establish communication with the sub-devices (20). The main device (10) can count sequentially by a rate of a value preset in the sub-devices (20) for timing or reckoning times, and deducting an amount of charges from the sub-devices (20) as a parking fee.

The Examiner cites col. 2, lines 25-28, and Fig. 1 of Chiu as allegedly teaching a portable parking meter that displays the tariff of a particular parking zone. Additionally, the Examiner

asserts that it would have been obvious to a person skilled in the art to modify the device of Ho with the teachings of Chiu to produce a device that retrieves data that includes a parking expiration time and a tariff. Applicants submit that Chiu has been misinterpreted.

The cited passages of Chiu read: “And the LCD loop 17 shows respectively parking time 172, setting of the rate of charges 173, balance 174 remained on one sub-device, fee based on times reckoning 175 and weak power displaying 176 etc.” The cited passages of Chiu simply teach what is displayed on the LCD. Nothing in the cited passages of Chiu teaches or suggests that the apparatus of Chiu receives application data including at least a tariff from a parking fee register.

Further, as explained by Chiu, “According to the above narrated structural design, as referring to FIGS. 4-5, an operator can insert the sub-devices (20) individually into the inserting slots (161), then push down the electric power key (141), if the timing charging mode is chosen now, the setting key (142) should be pushed down to set the rate of charges (173) per time unit and set the predetermined parking time (175); and if the times reckoning charging mode is chosen, the specified times reckoning key 144 should be pushed down and the same be the setting key (142) to set the rate of charges (173) for each time; then the operator can push down the actuating key (143), the main device (10) will start to operate thereby and deduct the amount from the balance remained on the sub-devices (20) by time units or by times” (see col. 2, lines 43-57 of Chiu) (emphasis supplied). In other words, the parking meter of Chiu is an isolated device that does not communicate with any other device. The operator/user of the parking meter of Chiu sets/enters the parking fee himself. A tariff is not retrieved from any type of parking fee register, on the basis of parking data transmitted from the main device (10) of Chiu, as the main device of Chiu does not transmit any data to a parking fee register, in contrast to the invention

recited in Applicants' claim 1.

Applicants' recited invention, on the other hand, provides a system in which a user informs the parking fee register about the parking through a mobile station, whereby the parking fee register charges the user a parking fee based on the information sent. First, the user (i.e. the driver of the vehicle) sends parking data to the parking fee register after parking of the vehicle has taken place. Application data is searched from the parking fee register based on the parking data. Then, the application data is provided (i.e. transmitted to the user's mobile unit) with data depending on individual parking, such as the area tariff, in which the parking has taken place. Here, the tariff refers to the data, on the basis of which the user is charged for the parking. The tariff therefore indicates the amount of the charge at different times, and the tariff is thereby used to accurately calculate how much is charged for the parking, where the commencement time and the expiration time of the parking are known (see paragraphs [0017] and [0023] of Applicants' published specification). Chiu neither teaches nor suggests such a system.

Chiu, therefore, also fails to teach or suggest, "retrieving on the basis of the parking data from the parking fee register of the parking fee system application data that includes at least a tariff and an expiration time of the parking", and "activating an application utilizing the application data in the mobile station of the user to utilize the tariff to calculate an accrued parking fee and to display on a display of the mobile station during ongoing parking in real time at least a sum of the accrued parking fee to be charged after the parking is concluded and remaining parking time, if the expiration time has been defined", as recited in Applicants' amended independent claim 1.

Furthermore, combining of the teachings of Ho with the teachings of Chiu is illogical and makes little sense because the device of Ho is intended to remain in the user's vehicle. Any of

the data displayed on the portable device of Chiu that, in the Examiner's proffered combination, would be incorporated in the device of Ho would not be viewable by a user unless the user remained with his vehicle. In contrast to the combined teachings of Ho and Chiu, Applicants' mobile device allows a user to view accrued parking fees while away from his vehicle in real time.

In view of the foregoing, Applicants submit that Ho and Chiu, whether taken alone or in combination, fail to teach or suggest the subject matter recited in Applicants' independent claim 1.

Claims 2-4 and 13-14, which depend directly or indirectly from independent claim 1, incorporate all of the limitations of independent claim 1 and are therefore deemed to be patentably distinct over Ho for at least those reasons discussed above with respect to independent claim 1.

Independent claims 5, 9, and 11 recite limitations similar to those present in independent claim 1, and are therefore deemed to be patentable over Ho and Chiu for at least those reasons discussed above with respect to independent claim 1.

Claims 6-8, 10, 12, and 15, which variously depend from independent claims 5, 9, and 11, incorporate all of the limitations of the respective independent claim and are therefore deemed to be patentably distinct over Ho and Chiu for at least those reasons discussed above with respect to the independent claims.


Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of all outstanding rejections, and the allowance of all pending claims, in due course.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is invited to telephone the undersigned in order to facilitate an early resolution of any outstanding issues.

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